

REMARKS

Request for Interview

Applicants request a telephone interview with the Examiner to discuss the scope of the pending claims and the disclosure of the documents cited in the Office Action. Please contact Applicant's representative, Bill Isaacs, prior to further examination of this application.

Status of the Claims

Claims 2-11 and 17-30 are pending in the application, with claims 2-7, 9, and 24 being independent. Claims 1 and 12-16 were canceled previously. Claims 2-11, 17-20, 22, and 24-27 are amended in this response. Applicant has added new claims 29-30 to provide an additional scope of protection commensurate with the original disclosure. No new matter has been added.

Unless explicitly stated otherwise, none of the amendments to the claims were made for reasons substantially related to the statutory requirements for patentability. Furthermore, unless stated otherwise, the amendments to the claims were made simply to make express what had been implicit in the claims as originally worded and therefore are not narrowing amendments that would create any type of prosecution history estoppel.

Allowed/Allowable Claims

In the Office Action, the Examiner allowed Claims 2-4, 7, and 11. The Examiner also stated that Claims 10, 17, 19, 20, 22, 25, and 27 would be allowable if rewritten in independent form. Applicant has not rewritten claims these claims in independent form because Applicant submits that the corresponding base claims are patentable over the documents cited in the Office Action, as discussed in detail below. Certain of these claims have been amended herein with affecting the patentability of the subject matter recited therein.

Claim Rejections

In the Office Action, the Examiner rejected claims 8, 18, 24, 26, and 28 under 35 U.S.C. § 102(b) as allegedly being anticipated by Curry et al. (U.S. Patent No. 5,791,982) (hereinafter "Curry"); claims 5, 6, 21, and 23 under 35 U.S.C. § 103(a) as allegedly being obvious over Curry in view of Chrome (U.S. Patent No. 6,997,970; and claim 9 under 35 U.S.C. § 103(a) as

allegedly being obvious over Chrome in view of Curry. Applicant respectfully traverses these rejections.

A. Independent Claim 24

Applicant submits that the cited documents do not disclose, teach, suggest, or make obvious at least the feature of increasing a level of oxygen concentration within a habitable area of the aircraft to a level greater than a naturally occurring partial pressure of oxygen at an experienced internal cabin pressure, as recited in independent 24. In the Office Action, the Examiner cited to Curry 4:10-20 as allegedly disclosing this feature. *See* Office Action at pg. 6 (with reference to claim 9). Applicant respectfully disagrees with this interpretation of Curry.

As Applicant understands, Curry discloses a system for introducing oxygen, outside air, or humidity to an aircraft cabin. Curry describes separating oxygen from other gases, which may include nitrogen. *See* Curry at 3:42-47. In operation, Curry mixes the separated oxygen with fresh air and recirculated cabin air to produce a desired environment. *See id.* at 3:49-62. However, Curry does not describe increasing a level of oxygen above a naturally occurring partial pressure of oxygen at an experienced internal cabin pressure. The portion of Curry referenced in the Office Action describes supplying supplemental oxygen to the cabin air when the monitored oxygen partial pressure falls below a predetermined minimum. *See id.* at 4: 15-18. Curry does not teach or suggest that the predetermined minimum is a level of oxygen above a naturally occurring partial pressure of oxygen at an experienced internal cabin pressure.

As Chrome does not cure the disclosure deficiencies of Curry, Applicant submits that independent claim 24 is patentable over Curry and Chrome, whether those documents are considered alone or in combination with each other.

B. Independent Claim 9

Independent claim 9 includes a feature similar to the feature discussed above with reference to claim 24. Accordingly, Applicant submits that claim 9 is patentable over Curry and Chrome for similar reasons.

C. Independent Claims 5 and 6

Applicant submits that the cited documents do not disclose, teach, suggest, or make obvious at least the feature varying the oxygen flow and the nitrogen flow into the occupant cabin, as recited in independent claim 5, or introducing the nitrogen rich air into a habitable area, as recited in independent claim 6. Neither Curry nor Chrome teach or suggest nitrogen flow into the occupant cabin or a habitable area. Additionally, the Examiner cited this feature as a basis for allowability for allowed/allowable claims 3 and 11. *See* Office Action at pg. 7. Accordingly, Applicant submits that independent claims 5 and 6 are patentable over Curry and Chrome, whether those documents are considered alone or in combination with each other.

D. Dependent Claims

Claims 8, 18, 21, 23, 26, and 28-30 (including new claims 29-30) depend from one of the independent claims discussed above either directly or indirectly and are submitted to be patentable for reasons similar to those discussed above with regard to the independent claims. The dependent claims also recite additional features further defining the claimed invention over the cited documents, and Applicant submits that the cited documents do not teach or suggest integrating those features into the presently claimed invention. Accordingly, Applicant requests separate and individual consideration of each dependent claim.

No Waiver

All of Applicant's arguments and amendments are without prejudice or disclaimer. Applicant has not addressed each specific rejection of the independent and dependent claims because Applicant submits that the independent claims are allowable, as discussed above. Applicant has not acquiesced to any such rejections and reserves the right to address the patentability of any additional claim features in the future.

CONCLUSION

Applicant submits the foregoing as a full and complete response to the Office Action. Applicant submits that this application is in condition for allowance and respectfully requests such action. If any issues exist that can be resolved with an Examiner's Amendment or a telephone conference, please contact Applicant's representative at 404.572.2809.

Respectfully submitted,

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